



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

MAY 20 2019

Alex Birchfield, Senior Ecologist  
ESA Section 7 lead and FCPP-NMEP BO Implementation Coordinator  
Western Region  
Office of Surface Mining, Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-3050

**RE: Four Corners Power Plant and Navajo Mine Energy Project**  
**Biological Opinion Annual Report**  
Consultation # 02ENNM00-2014-F-0064

Dear Mr. Birchfield:

**Status of USEPA actions related to RPMs and Terms and Conditions in 2018 and 2019.**

Pursuant to RPM 5 a. through f. of the Biological Opinion USEPA as the lead agency for National Pollutant Discharge Elimination System (NPDES) permit renewals for APS Four Corners Power Plant (NN0000019) and NTEC Navajo Mine (NN0028193) took the following actions in 2018 and 2019: USEPA issued the NTEC Navajo Mine NPDES permit (NN0028193) in March 2018. USEPA also issued the APS Four Corners Power Plant (NN0000019) permit in June 2018. The permit was appealed to the Environmental Appeals Board (EAB) by a group of entities collectively designated as the Western Environmental Law Center. In December 2018 USEPA withdrew the NPDES permit to address issues raised on appeal, as well as incorporate updated regulations. USEPA proposed a reissued NPDES Permit (NN0000019) in April 2019. The final permit issuance for the APS Four Corners Power Plant (NN0000019) is expected in Fall 2019.

Pursuant to element f. USEPA included the use of sufficiently sensitive methods to monitor pollutants including selenium and mercury in the permit issued and then subsequently withdrawn in 2018. This requirement is maintained in the re-proposed permit public noticed in April 2019. USEPA also proposed implementation of a USFWS approved Pumping Plan to minimize impingement and entrainment of threatened and endangered species in the April 2019 proposed reissuance of the permit. Elements a. through e., will be implemented during the next permit cycle.

Sincerely,



Elizabeth Sablad, Manager  
NPDES Permits Section (WTR-2-3)